

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

ABDEL FATTAH,

Plaintiff,

v.

MARY SABOL, et al.,

Defendants.

CIVIL ACTION NO. 3:10-1607

(JUDGE CAPUTO)

(MAGISTRATE JUDGE BLEWITT)

ORDER

NOW, this 23rd day of March, 2012, after consideration of Magistrate Judge Blewitt's Report and Recommendation (Doc. 27) and Plaintiff's objections to the Report and Recommendation (Doc. 28), **IT IS HEREBY ORDERED** that:

- (1) The Report and Recommendation (Doc. 25) is **ADOPTED**.
- (2) All claims against the following Defendants are **DISMISSED with prejudice**: Mary Sabol; Jeffrey Beard; Thomas Decker; Deputy Warden Buono; Joseph Sallemi; Kelly Mitri; Jennifer Miosi; Jesse Wildner; Brendan Quinlan; Mark Graham; Matthew Klienman; Dennis Becotte; Corrections Officer Yeager; Corrections Officer Sutton; Corrections Officer Evans; Corrections Officer March; and Nurse Somich. These Defendants are **DISMISSED** from the action entirely.
- (3) Plaintiff's Second, Fourth, Fifth, Sixth, Seventh, and Eighth Causes of Action against Defendants Rackovan, Somich, Granlund, and Dr. Symonds are **DISMISSED with prejudice**. Plaintiff may proceed with the First Cause of Action (Eighth Amendment denial of medical care claim) and Third Cause of Action (Eighth Amendment conditions of confinement claim) as to these Defendants.
- (4) Plaintiff is granted **twenty-one (21) days** to amend the Amended Complaint to allege exhaustion of Plaintiff's administrative remedies.
- (5) This case is **RECOMMITTED** to Magistrate Judge Blewitt for further proceedings.

/s/ A. Richard Caputo
A. Richard Caputo
United States District Judge